



MONTANA

Alcoholic Beverage/Gambling Operator Combined License Application

This booklet contains all the forms and instructions for applying for an Alcoholic Beverage and Gambling License.

Also available on our websites.
www.doj.mt.gov and www.mt.gov/revenue

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Return to:

Montana Department of Justice
Gambling Control Division
2550 Prospect Ave. - P O Box 201424
Helena, MT 59620-1424



Phone: (406) 444-1971

Fax: (406) 444-9157

www.doj.mt.gov



Notice To Applicant

See instructions in this booklet before completing the application.

When filling out this application, complete the form in its entirety. The application must be completed in any ink (except red) or be typewritten. Delay, denial or the return of the application will result if incomplete. The information in this application is meant to assist you in completing this application. It is not a substitute for a careful examination of the gambling/liquor laws, rules and the rights or obligations arising out of applying for liquor/gambling licensure, or for seeking, where individual circumstances warrant, the independent advice of an attorney.

Once the application is completed, submit the original application and all required documents to the above address.

This application is also available on the websites at www.doj.mt.gov and www.mt.gov/revenue

Processing an application generally takes three to four months based upon the Department's determination of receipt of a complete application and no deficiencies or protests are received. You will be notified by the Gambling Control Division (DOJ) Licensing Section upon receipt of your application and given a contact name. You will be notified when a decision regarding the application has been made.

Guide to the Alcoholic Beverage / Gambling Operator Combined License Application

This Guide is provided as a supplement to the Alcoholic Beverage / Gambling Operator Combined License Application to assist applicants in understanding the application and to answer commonly asked questions related to requirements for liquor and gambling licenses. The information in this guide is meant to assist in the completion of the Combined Application but is not meant to be a substitute for careful examination of the gambling and liquor laws and regulations.

Why the Combined Application?

The combined application is for the convenience of applicants. Many of the requirements for liquor and a gambling license are very similar and an alcoholic beverage license is a prerequisite to obtain some forms of gambling permits. The Gambling Control Division conducts the initial investigation of both liquor and gambling licenses. Even though only a single application is submitted the final decision to approve or deny the license application is made by the Department of Revenue/Liquor Licensing for liquor licenses and the Department of Justice/Gambling Control Division for gambling licenses.

What if I only want a liquor license?

The application form is designed so that it can be used for a combined liquor/gambling license application or just for a liquor or gambling license. There are several different alcoholic beverage licenses for which the combined form can be used. These licenses are listed in the "Liquor Licensing Fee Schedules" on page 1 of the form.

Who do I talk to about my application?

During the period that your application is being processed (approximately 90 – 120 days) **all questions should be directed to the Gambling Control Division**. At the time your application is reviewed, you will be contacted by the Gambling Control Division and informed if additional information is needed or if the application is complete. At that time you will be provided with the name of the person who will be processing the application. If for some reason you do not have the name of a contact for either a liquor or gambling application, **call the Gambling Control Division at 444-1971**.

Who will I talk to at the Department of Revenue if my application is for a liquor license that requires public notice and public protest period?

If your application is for a liquor license it will require a publication and notice for a protest. You will be sent a letter advising when your application is complete, and it will provide you with the name of a contact person at the Department of Revenue/Liquor Licensing.

Am I ready to get started with an application?

The State of Montana has laws that restrict and limit who can own and control liquor and gambling licenses. Ownership and control of a license can include persons who lend you money, rent buildings or equipment or have management contracts. If you plan to involve other persons in your business through loans, leases, management contracts or other arrangements, you need to have those arrangements worked out at the time you make your application. Anyone that you associate with who may have an ownership interest or control of the license will have to meet all of the legal requirements to hold a gambling or liquor license. You will need the documents that reflect these relationships (leases, loan agreements, corporate documents etc.) to complete this application.

How do I go about filling out the application?

You need to submit one original signed and notarized application to the Gambling Control Division. If you would rather fill out the application on your personal computer the form is available on the Gambling Control Division website (**www.doj.mt.gov**) or from the Department of Revenue **www.mt.gov/revenue**. All liquor and gambling related laws and rules are also available at these websites. You cannot e-mail or electronically send the completed form; you must print the form and send it along with the required documents and fees to:

Montana Department of Justice
Gambling Control Division
2550 Prospect Ave. – P.O. Box 201424
Helena, Montana 59620-1424

Fingerprint card

Effective 10/01/03 a properly completed fingerprint card must be completed and returned to this office. The individual can take the card to a local law enforcement agency or to the Montana Department of Justice ID Bureau for fingerprinting. (It should be noted that some law enforcement agencies charge a fee for this service.) Upon completion, a \$34.00 processing fee will be assessed. Please attach a check in the amount of \$34.00 payable to the "Gambling Control Division." If you have any questions, please contact the Gambling Control Division, Licensing Section.

If you are applying for a liquor license it is the applicant's responsibility to determine if federal laws may require the applicant to obtain a permit from a federal agency. For further information contact:

***Department of Treasury, Bureau of Alcohol Tobacco Firearms
PO Box 145433
Cincinnati, OH 45205-5433***

Phone: (513) 684-2979 or (800) 937-8864

**Please do not return this guide with your application documents
as it is designed for your use only.**

Page 1

Fee Schedules

Which fees do I have to pay?

This page is designed to allow each applicant to mark the fees that may apply to their application. While there are a large number of fees, any applicant will likely only pay one fee for the appropriate liquor license, one liquor processing fee and one processing fee for a gambling license. Catering endorsement, wine amendment and secured party fees may be required in addition to other liquor fees.

Liquor and gambling processing fees are collected in a different way. The processing fee for liquor (or beer and wine) is a flat fee but the fee for gambling is the actual cost of processing the application. Gambling collects an initial fee with the application and collects the balance prior to any license and permit being issued. If the fee covers the actual cost of processing the gambling application, the balance is refunded to the applicant.

How do I calculate how much I will pay?

You write one check made payable to the "Gambling Control Division". Follow these steps:

- Transfer the amount of the appropriate gambling processing fee to the line "1" at the bottom of the page,
- Enter on line "2" the appropriate liquor processing fee,
- Enter on line "3" the appropriate liquor license fee,
- Enter on line "4" any catering endorsement fees,
- Enter on line "5" seating fees,
- Enter on line "6" fees to add or terminate a secured party,
- Total the amounts you have entered, double check the total and
- Write a check to the Gambling Control Division for the total and staple it to this page when you have completed the application.

How much do new all-beverage licenses cost?

1. For establishment located outside of incorporated cities and towns and a distance of 5 miles therefrom, \$400
2. For establishment located in an incorporated city/town of less than 2,000 population and within a distance of 5 miles, \$400
3. For establishment located in an incorporated city/town with a population between 2,000-5,000 and within a distance of 5 miles, \$500
4. For establishment located in an incorporated city/town with a population between 5,001-10,000 and within a distance of 5 miles, \$650
5. For establishment located in an incorporated city/town of more than 10,000 and within a distance of 5 miles, \$800
6. Nationally recognized Fraternal Organization, fee same as 1) through 5), depending on population
7. Nationally Chartered Veterans Organization, \$250 - \$650, fee depends on population and is assessed at \$150.00 less than fees 1) through 5)
8. Original Resort License, \$20,000 one-time fee

What if I am unsure of the exact type of new liquor license that I need and licensee fees?

Call the Department of Revenue (444-6900) to find out about the availability of licenses in your area and the appropriate license for your plans.

Page 2

Purpose of Application and General Information

What boxes should I check if I have an all beverage and gambling license and I plan to move to a new site, but not change any other aspect of the business?

Under the “Alcoholic Beverage” column you would need to check the box for “Existing Alcoholic Beverage License; Transfer of Location Application” and the box “All-Beverage”. Under the Gambling column you would need to check “Amended Gambling License Application”, and “Existing Gambling Location Change Application”.

When can I use the “Amended Gambling” application?

An Amended application is required when:

1. There is a change among existing corporate shareholders, existing LLC/LLP members, or existing partners.
2. Increasing or decreasing shares owned by a corporation
3. There is a divorce and one of the owners no longer has an ownership interest and either the wife or husband has to be removed.
4. The death of the licensee and an appointment of a personal representative of the estate.
5. There is a change in premise location.
6. The Gambling license “type” has changed (i.e. all-beverage to beer/wine).
7. The business entity “type” has changed (i.e. corporation to a partnership).

Why is it important that I get the information right in Section I?

Your alcoholic beverage license and gambling operator license will be generated from the information you provide in this section. This information is important because it is how the licenses will be issued and must be publicly posted in the establishment. Mailing address must be correct because all mail from both Divisions will be sent to the address listed on the application. This information will also appear in any legal publications placed in the newspaper in your area.

What is the difference between a trade name and an applicant name?

The “trade name” is the “DBA” (doing-business-as assumed business name must be filed with the Secretary of State) or name you call your business. The applicant name represents the legal holder of the license. [i.e., corporation name, individual name, partnership name, etc.] Your trade name is also the name that normally appears on the sign advertising your establishment.

What address should I use?

The address is the physical address where the business is located. For the premise list the actual street address for the business and for the mailing address list where you want the mail from both divisions to be sent.

Page 3

Ownership Information

Who would be considered a manager?

A manager is a person employed or authorized by the licensee to supervise personnel and business functions of the license operation.

What if I am the sole proprietor, shareholder, partner, etc. – do I need to be reported as the manager and file a management agreement?

No. You already have the authority to run your own business. However, if you have an “entity” owned license [i.e., corporation, partnership], a reference should be made in your organizational documents or minutes that you will function as the manager.

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Ownership Information

What will this information be used for?

This is to ensure that all ownership interests are correctly reported to the department. This will help the department to determine if all ownership interests and liabilities have been reported to us about your business. It also allows us to know who is authorized to sign documents for the business.

What is Montana Clean Indoor Air Act?

The 2005 Legislature passed the Montana Clean Indoor Air Act. The new legislation requires bars to become smoke free by October 1, 2009. The new law defines a bar as having at least 60% of its gross annual income from the sale of alcohol, gambling or both. The new legislation authorized an exception to 2009 for bars and casinos. If you want an exception in the premises for which you are seeking a license, you must request the exception in Section II, Page 4. You must also provide sufficient financial detail as requested in Section III, Page 9, Question 12 b, for a determination that at least 60% of expected revenue will come from liquor and gambling revenue.

Pages 6 – 10

Financial Information

Can I own more than one license?

You can own only one all beverage liquor license while at the same time own as “many” available beer/wine licenses for which you are qualified.

What is a financial or ownership interest?

You have a financial or ownership interest in a business if you or any person shares in the profits, losses and liabilities of the business. This includes co-borrowers on applicant loans, persons whose assets are cross collateralized with those of the applicant, persons who may be found in default under an obligation if the applicant defaults under a related agreement and vice versa (cross defaults) and franchise fee recipients or any other person with an interest in a percentage of the applicant’s sales or income, (this is not an all inclusive list just an example of a few). This does not include route operator’s who by statute may receive a percentage of gross video gambling machine income or a fixed fee for leasing machines to the license applicant.

Why do you want to know about equipment and fixture leases?

This is to make sure the leases do not give an ownership interest to the lessor or any other person or entity.

What is an NIL form and why do I need one?

A Noninstitutional Loan (NIL) form is used to report loans from someone other than a state or federally regulated financial institution. It is also used to report deferred payment agreements and monetary gift or the transfer of a security interest. (Example: A shareholder wants to lend money to the corporation that owns the license. The corporation would file an NIL form for that loan).

Why do I have to report funds that I loaned to the licensed business when I am a shareholder/member/partner?

The Division is careful to examine “all” liabilities/source of funding of the licensee in order to safeguard the integrity of the issued Gambling/Liquor License.

What does “Gifting” mean?

A licensee may receive funds from a noninstitutional source of financing who does not require those funds to be repaid nor expects any other thing of value in return. It is important that the noninstitutional source of financing also provide a signed “Gifting Statement” declaring the above agreement.

**Page 12 & 13
Premises**

What are the general restrictions on premises?

Generally speaking a premises must have permanently installed walls extending from floor to ceiling, an address unique to the establishment, and a public external entrance that is not shared with another premises for which a gambling operator license has been issued, and may not be within 150 feet of another gambling establishment owned by a related party, or within 600 feet of a church or school. If applying for a new license or a transfer of location of an existing license, a certified survey affidavit from the local county or city surveyor, private land surveyor, or local government official attesting to the suitability of the proposed premises must also be included with the application documents.

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Liquor Special Information**

What is the difference between a beer/wine and a restaurant beer/wine license?

An applicant may apply for a wine amendment to the beer license if the sale of wine will be supplementary to a restaurant or prepared food business. A restaurant beer wine license (RBW) is a license created specifically for a restaurant business. There are several restrictions on RBW's that do not apply to a regular beer license, such as an RBW cannot have gambling, there can be no sales of alcohol for off-premise consumption, and the hours of operation are restricted to 11:00 a.m. to 11:00 p.m.

How can my restaurant qualify for a wine amendment?

If you currently hold a license to sell beer for on-premises consumption, you may apply for a wine amendment to the license in addition to your beer license. You must be able to show the department that the sale of wine for on-premises consumption would be supplementary to a restaurant or prepared-food business. You must also have seating for 12 at either tables or booths.

What can I do with a catering endorsement?

A catering endorsement allows a licensee to cater and sell alcoholic beverages to persons attending a special event upon premises that would not otherwise be licensed for on-premise consumption. The licensee may not cater an event in which the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business.

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Temporary Authority

What is temporary authority?

Temporary authority (referred to as “TA”) allows an applicant to operate the business while the liquor license application is being processed. If the establishment is currently licensed for gambling, all gambling must cease once TA is issued to the new applicant, until the Gambling Control Division has received, processed and is ready to approve a gambling operator license to the new applicant. There is no temporary authority for a gambling operator license. However, final approval of a gambling license can be granted on temporary authority issued by DOR/Liquor Licensing.

What is conditional approval?

Conditional approval means that the investigation has been completed, and the applicant and the proposed location for the premises meet all requirements for licensing, but the premises has not been constructed. The conditional approval letter is sent by DOR/Liquor Licensing giving the applicant a time frame in which the completion of the premises must be done and a final inspection is completed and approval of health, building and fire codes are obtained. The business cannot operate during this time frame.

Why would I want temporary authority?

Temporary Authority is issued by DOR/Liquor Licensing only. This allows the applicant to go in and operate the business while your liquor license application is being processed. This would allow you to possibly take over the operation sooner than if you had to wait while your application goes through the normal application process. Temporary Authority is not issued to any transfer of location or issuance of a new license. DOR/Liquor Licensing allows for an exchange of monies for the sale of the business after Temporary Authority has been issued.

Why would I not want temporary authority?

All gambling that is currently licensed to the establishment would have to cease until your application has been processed and is ready to be approved.

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Declaration and Affidavit

Who can sign?

Depending on how you are applying (i.e. individual, corporation, partnership, LLC, LLP, or nonprofit), the person(s) listed under Section II, “C” are considered authorized representative and may sign the application in the presence of a notary.

Closing

It is important to understand that supplying the information requested does not guarantee approval of the license application. At this time, we are simply gathering information needed to continue processing the paperwork. Until a determination has been made, any expenses you may incur prior to receiving approval of your license application should be considered at your own risk. All approvals are based on true and accurate information supplied in this application and any supporting documents associated with it. You will be notified when a decision regarding the application has been made.

State of Montana
Alcoholic Beverage/Gambling Operator
Combined License Application

Gambling Licensing
Fee Schedules

1. Gambling Operator Licenses

Processing fee:

- \$ 300 if the applicant is a nonprofit organization;**
\$ 800 if the applicant is a sole proprietorship; or
\$ 1,000 if the applicant is a partnership or corporation.

Note: A new gambling operator licensee application is subject to a processing fee to cover the actual cost of conducting a background investigation to determine whether an applicant qualifies for licensure.

Based on the actual cost incurred by the Gambling Control Division in processing the license, the division will refund any overpayment of the fee or collect an amount sufficient to reimburse the division for any underpayment of actual costs. The Division will provide the applicant with an itemized accounting of expenses.

Office Use Only

License No.: _____
Check No.: _____
Fee Paid: _____
Additional Fees: _____
Refund: _____

Alcoholic Beverage
Fee Schedules

2. Alcoholic Beverage Licenses

Processing Fee: \$200 (All Applications)

Check all appropriate boxes below:

3. Liquor License Fee

Liquor License

- ☐ On-Premises Beer - \$200 (if new)
☐ On-Premises Beer/Wine - \$400 (if new)
☐ All-Beverage - \$400-\$800 (if new and depending on location and population)

Nationally Chartered Veterans Organizations

- ☐ On-Premises Beer - \$50
☐ On-Premises Beer/Wine - \$250
☐ All-Beverage - \$250 to \$650 (depending on location and population)

4. Catering Endorsement

- ☐ Catering (\$200 beer/wine and \$250 all beverage)

5. Restaurant Beer/Wine

- ☐ Annual License Fee - \$400
☐ Seating of 60 or less - \$5,000
☐ Seating of 61 to 100 - \$10,000
☐ Seating of 101 or more - \$20,000

National Fraternal Organizations

- ☐ On-Premises Beer - \$200
☐ On-Premises Beer/Wine - \$400
☐ All-Beverage - \$400 to \$800 (depending on location and population)

6. Secured Party

- ☐ Secured Party Addition - \$20
☐ Secured Party Termination - \$10

Office Use Only

License No.: _____
Check No.: _____
Fee Paid: _____
Additional Fees: _____
Refund: _____

Resort License

- ☐ All-Beverage Annual Fee - \$2,000
☐ All-Beverage Original Licensee Fee - \$20,000

Golf Course Beer/Wine

- ☐ Annual License Fee - \$400
☐ Initial Application Fee - \$20,000 (For Profit Entities only)

Enter the amount due from the corresponding schedules above.

1. Gambling License Processing Fee	\$ _____
2. Alcoholic Beverage Processing Fee	\$ _____
3. Liquor License Fee	\$ _____
4. Catering Endorsement Fee	\$ _____
5. RBW Seating Fee	\$ _____
6. Secured Party	\$ _____
Total	\$ _____

Staple Payment Here

Make payment payable to the "Gambling Control Division"

Check The Appropriate Boxes To Designate The Purpose Of This Application

Alcoholic Beverage

- ☐ New Alcoholic Beverage License Application
- ☐ Existing Alcoholic Beverage License; Transfer Of Ownership Application
- ☐ Existing Alcoholic Beverage License; Corporate Structure Change
- ☐ Existing Alcoholic Beverage License; Transfer Of Location Application
- ☐ Existing Alcoholic Beverage License; Death of Licensee

Designate The Type Of License Of Your Application:

- ☐ On-Premises Beer
- ☐ On-Premises Beer/Wine
- ☐ All-Beverage
- ☐ Restaurant Beer/Wine
- ☐ Resort License

Gambling

☐ New Gambling

(An owner of an interest in a licensed gambling operation may not transfer an interest in the operation to a stranger to the license until a new gambling license application reflecting the proposed transfer is submitted to the department and the department approves the transfer.)

☐ New Gambling - No Alcoholic Beverage License is Required for Live Keno/Bingo.

☐ Amended Gambling License Application – (Note: No fee is required for this application)

(An ownership interest in a licensed gambling operation may not be transferred to another owner or group of owners of an interest or interests in the same licensed gambling operation without submitting an amended gambling license application to the department and obtaining department approval.)

- ☐ Existing Gambling License Change Among Existing Corporate Shareholder(s)
- ☐ Existing Gambling License Change Among Existing Partners or LLC/LLP Members

- ☐ Existing Gambling License Deletion of Owner(s)
- ☐ Existing Gambling Location Change Application
- ☐ Existing Gambling License Type Change Application
- ☐ Other - (Explain) _____

Section I

General Information

Print Or Type

Name of Applicant: _____
(Sole Proprietor/Partnerships/Corp./LLC/LLP)

Business/Trade Name: _____
(Doing business asAssumed business name must be filed with the Secretary of State's office.)

Mailing Address: _____
(Box or Street)

Address of Premises to be Licensed: _____
(Street, Suite No., Building No.)

City / State / Zip Code: _____ / _____ / _____

Business Phone / Cell Phone: (_____) _____ / (_____) _____
Business Cell

Fax: (_____) _____

Federal Tax I.D.: _____ ☐ Check if applied for but not yet received.

Alcohol Beverage License Number: _____ - _____ - _____ - _____
(N/A if not applicable)

Are the premises for licensing located:

- ☐ Within the boundaries of an incorporated city/town (Gambling Licensing.)
- ☐ Within a distance of five miles of an incorporated city/town (Liquor Licensing.)
- ☐ Within an unincorporated city/town or outside the boundaries of and more than five miles distance from any city/town whether incorporated or unincorporated (Liquor Licensing.)

_____ in County of _____
City Name County Name

Section II

Ownership Information

A. The applicant is a: Check appropriate box

- ☐ **Individual(s) / Sole Proprietor(s); List all owners in Section II, Subsection "C"**
- ☐ **Partnership; List all general and Limited Partners in Section II, Subsection "C"**
(Attach copy of Partnership Agreement: Newly Formed Partnerships-Copy of Application/Certificate for Registration of the Partnership filed with Sec. of State's Office, Existing Partnerships - Copy of Renewal of Partnership filed with Sec. of State's Office and Release of Information, (Form 1), in the partnership name.)
- ☐ General ☐ Limited
- ☐ **Limited Liability Company, List of members in Section II, Subsection "C"**
(Attach a copy of the Articles of Organization as filed with the Montana Secretary of State's Office; organization minutes; a copy of the Certificate of Fact; and other member agreements and an Authorization for Examination and Release of Information, (Form 1), in the Company's name.)
- ☐ **Charitable or Non-profit Organization qualified under 26 U.S.C 501 (c)(3), (c)(4), (c)(8) or (c)(19); List all officers/directors and gambling managers in Section II, Subsection "C"**
(Attach a copy of IRS Letter of Non-profit designation and an Authorization for Examination and Release of Information, (Form 3), in the non-profit organization name.)

If applicant is a charitable, religious, veterans' or fraternal organization, when are new officers elected?

Date: _____

- ☐ **Retirement home or nursing home. List all officers/directors and gambling managers in Section II, Subsection "C"**
- ☐ **Corporation; list all shareholders, officers and directors in Section II, Subsection "C"**
(Attach copy of Articles of Incorporation, By Laws, Certificate of Incorporation; Certificate of Existence or Authority to do Business in Montana; all organizational minutes; share issuance records; copies of share certificates and an Authorization for Examination and Release of Information, (Form 1), in the corporate name.)
- **Check Type of Corporation:**
- ☐ C Corporation
- ☐ Subchapter S
- ☐ Publicly Held (Registered with the Securities & Exchange Commission and Traded on a National Stock Exchange)
- **State in which Incorporated:** _____ **Date Incorporated:** _____
- **Is the corporation registered with the Montana Secretary of State to do business in Montana?**
- ☐ Yes ☐ No ☐ N/A
- **Is the corporation in good standing with the Secretary of State?**
- ☐ Yes ☐ No If No, explain: _____
- **Identify address where corporate organization records are maintained.** _____

Management Information

B. Provide the following information for each management employee. Attach management agreement if applicable:

☐ Gambling ☐ Alcoholic Beverage ☐ Both ☐ N/A

Name	Address	Phone	Date of Birth	Social Security Number	Salary

Note: Each individual listed above must submit with this application a personal history statement, Form 10, Authorization for Examination and Release of Information (Form 1) and a completed Fingerprint Card.

C. Provide the information requested below for each:

Check appropriate box (Use additional paper if necessary)

- | | |
|---|---|
| <input type="checkbox"/> Individual/Sole Proprietor | <input type="checkbox"/> Person(s) holding an option to purchase the business or any interest in the business |
| <input type="checkbox"/> General or <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Other |
| <input type="checkbox"/> Limited Liability Company (Member of...) | <input type="checkbox"/> Check this box if ownership in the liquor license is also held as Joint Tenants with Rights of Survivorship (JTROS)) or Tenants in Common (TEN COM) and make certain each individual with rights of survivorship or common are listed below.
JTROS _____ or TEN COM _____ |
| <input type="checkbox"/> Officer of a Corporation | |
| <input type="checkbox"/> Director of a Corporation | |
| <input type="checkbox"/> Shareholder of a Corporation | |
| <input type="checkbox"/> Shareholder owning 5% or more of the stock of a publicly traded corporation | |
| <input type="checkbox"/> Person(s) and/or committee managing the gambling activity under a 26 U.S.C. 501 (c)(3), (c)(4),(8) or (c)(19) organization | |

Legal Name (First, M.I., Last)	Address	Title	Date of Birth	Social Security Number	Percentage of Ownership	Number of Shares

Note: Each individual listed above must submit with this application a personal history statement, (Form 10), Authorization for Examination and Release of Information, (Form 1.) and a completed Fingerprint Card. Use additional sheet of paper if necessary.

I hereby request smoking exception and affirm that 60% of the revenue generated by this business will be from the sale of liquor and/or gambling. ☐ Yes

I do not request smoking exception. ☐ No

D. Charitable, Religious, Veterans' or Fraternal Organization

If the applicant is a charitable, religious, veterans' or fraternal organization, complete the following information.

If not applicable indicate: ☐ N/A

- Date qualified for exemption under 26 U.S.C. 501 (c)(3), (c)(4), (c)(8) or (c)(19):

Month _____ Day _____ Year _____

- **Date local charter issued or post organized:**

Month _____ Day _____ Year _____

- **Has national organization been in existence for a period of five years prior to January 1, 1949?**

☐ Yes ☐ No

- **Provide Address of National Headquarters:**

(Street Address)

(City)

(State)

(Zip)

- A copy of your organization or post charter must accompany this application.

- **Location of Gambling Premises:**

(Street Address)

(City)

(State)

(Zip)

- **How many days, per year, is gambling conducted at this location?** _____ Days.

Section II

Ownership Information Checklist

To ensure you complied with the attachment requirements, the following checklist is provided for all entities.

Note: Failure to provide all applicable documentation will delay the processing of this application.

- ☐ Copy of Partnership Agreement documentation.
- ☐ Copy of Charitable/Non-profit 26 U.S.C. 501 Status
- ☐ Copy of Articles of Incorporation and Amendments or Addendums thereto
- ☐ Copy of Bylaws and Amendments or Addendums thereto
- ☐ Copy of Certificate of Fact - (LLC's and LLP's)
- ☐ Copy of Stock Certificates, All Corporate Minutes and Attachments thereto, Stock Ledger or Register and Limited Liability Company Organizational Information
- ☐ Copy of Certificate of Existence (for Montana corporations)
- ☐ Copy of Authority to conduct Business in Montana (for out-of-state corporations)
- ☐ Copy of documentation from the Secretary of State's office showing that the Secretary of State has approved the use of the assumed business name.
- ☐ Authorization for Examination and Release of Information
 - Form 1 - All Operator License Applications (Excluding Non-profit Organization)
 - Form 3 - Non-profit Organizations Only
- ☐ Personal History Statement(s) (Form 10)
- ☐ Fingerprint Card
- ☐ Other, if Applicable

Management Information Checklist

To ensure you complied with the attachment requirements, the following checklist is provided for all entities.

Note: Failure to provide all applicable documentation will delay the processing of this application.

- ☐ Copy of Employment, Management and Other Agreement(s) and Contract(s). If you are applying as a corporation, and the officers and/or directors are the managers, their duties must either be covered in the corporate minutes or provide a management agreement.
- ☐ Authorization for Examination and Release of Information (Form 1)
- ☐ Personal History Statement(s) on all Management Personnel (Form 10)
- ☐ Fingerprint Card

Section III

Financial Information

A. Financial Or Ownership Interest:

(Use additional paper if necessary.)

1. Does any person listed in Section II, Subsection "C" have a financial or ownership interest in any other gambling or alcoholic beverage enterprise?

Alcoholic Beverage If yes, identify below.

☐ Yes ☐ No

Gambling If yes, identify below.

☐ Yes ☐ No

Individual(s) Name	Name of Enterprise	Address

2. Do any of the individuals listed in Section II, Subsection "C" have family members with a financial or ownership interest in any other gambling activity or alcoholic beverage enterprise? (Include spouse, parents, children, brothers/sisters)

Alcoholic Beverage If yes, identify below.

☐ Yes ☐ No

Gambling If yes, identify below.

☐ Yes ☐ No

Individual(s) Name	Name of Enterprise	Address	Indicate Alcoholic Beverage/Gambling

3. Do any persons or entities, other than those listed in Section II, Subsection "C", have any financial or ownership interest in, derive income from, or have liabilities associated with the business proposed for licensing?

(The list must include, but is not limited to, any person or entity who has a right to share in the profits or has responsibility for a financial obligation associated with the gambling or alcoholic beverage operation (including, assignees, landlords, etc.) or to whom any interest or share of profits has been pledged as security for the performance of a contract or sale related to the business proposed for licensing. Do not include applicant's route operator if the only interest the route operator has is through a lease of vending/gambling machines.)

Alcoholic Beverage If yes, identify below.

☐ Yes ☐ No

Gambling If yes, identify below.

☐ Yes ☐ No

Individual(s) Name	Name of Enterprise	Address

4. Has the applicant or any owner, partner, shareholder, LLC or LLP member, officer or director ever been issued a gambling or alcoholic beverage license by any other agency, state, nation or jurisdiction?

Alcoholic Beverage If yes, identify below.

☐ Yes ☐ No

Gambling If yes, identify below.

☐ Yes ☐ No

Individual(s) Name	Type of License	License Number	State/City/County Country/Date

5. Does the applicant, or any member of the applicant's immediate family, have any affiliation with, or financial interest in, the operation of any brewer, distiller, manufacturer, bottler or distributor of alcoholic beverages?

☐ Yes ☐ No If Yes, list information below:

Name	Address/City/State/Zip

6. Does the individual or individuals that comprise the applicant have any financial or ownership interest in a retail liquor store?

☐ Yes ☐ No If Yes, list information below:

Name	Address/City/State/Zip

7. Has the applicant or any owner, partner, shareholder, LLC or LLP member, officer or director ever been denied an alcoholic beverage or gambling license or had adverse action taken against an existing license by any agency, state, nation or jurisdiction? If yes, describe in detail the nature of the violation and resulting adverse action.

Fined ☐ Yes ☐ No _____

Denied ☐ Yes ☐ No _____

Suspended ☐ Yes ☐ No _____

Revoked ☐ Yes ☐ No _____

Other Action or Action Pending ☐ Yes ☐ No _____

If Yes, list agency, location and date when license action was taken.

Individual(s) Name	Type of License	License Number	State/City/County Country/Date

8. Has the applicant or any owner, partner, shareholder, LLC or LLP member, officer or director ever filed for or been involved in bankruptcy (other than as a creditor)?

☐ Yes ☐ No If Yes, explain current status: _____

9. Provide the following information for all of the applicant's operating, investment or any other business account(s).
(Example: saving and checking accounts)

Institution Name	Address	Phone	Account No.	Signatory(s)

10. Provide the following information for each outstanding loan and/or financial obligation (institutional or non-institutional) obtained or used for the purpose of operating/purchasing this business.

(Submit signed copies of all loans/agreements/contracts/notes/letter of commitment, and all related security agreements, guarantees and trust indentures. Note: NIL Form 13 must be filed with the application if any lenders or other sources of financing are not state or federally regulated financial institutions. All non-institutional lenders or sources of financing must also file a personal history statement, authorization for examination and release of information and a completed Fingerprint Card. If necessary, list additional sources of financing on a separate piece of paper.)

☐ N/A Check, if not applicable.

Creditor Name	Creditor Address	Loan Amount	Loan Number	Date Acquired	Date Due

11. Complete the following source of funding questions: ☐ N/A Check, if not applicable.

a. Total transaction/purchase price for real and personal property associated with the proposed licensed business:

\$ _____

b. Total amount paid at closing on the transaction listed in line a:

\$ _____

c. Earnest money deposit / down payment:

\$ _____

d. Balance due in contractual payments regarding the transaction listed in line "a" minus the monies line "b" and "c":

\$ _____

e. List each source of funding for the amount listed in line "b" and "c".

Amount	Source
\$	
\$	
\$	
\$	

Note: Provide verification of source (i.e. checking, savings account, investment, etc.)

12. Has the applicant filed a state and/or federal income tax return for the business?

☐ Yes ☐ No If Yes, submit a signed copy of applicant's most recent filed state and federal income tax returns.

Attach a copy of the applicant's most recent financial statements reflecting the business operation for which the application is being submitted. If the business is prospective or has been operating for less than one year, a balance sheet and an income statement must be estimated. Failure to supply adequate financial information will result in delay, denial or return of this application. You must include:

- a. A Balance Sheet (listing all assets, liabilities and owner equity in the business)
- b. An Income Statement (list amounts and types of income and expenses for the business.) If you are requesting a smoking exception and converting a location from non-smoking to smoking, changing locations, or applying for a newly issued quota liquor license there must be sufficient detail in the estimated income statement to be able to establish projected liquor and/or gambling sales meet requirements for the smoking exception.

13. Are there any persons or business entities, that have an option to purchase any share of the business or property?

☐ Yes ☐ No If Yes, complete the following:

Seller	Purchaser

Note: Submit a copy of option agreement.

B.

IMPORTANT NOTE:

Does the applicant own the building proposed for licensing?

- ☐ Yes If yes, provide evidence of ownership, i.e., tax statement or deed and any other associated documents.
☐ No If no, provide a current or proposed lease, rental or current or proposed purchase agreement showing the applicant has authority to operate in this location, including any other associated or related documents.

Name all Persons or Entities Listed on:

1. Lease Contracts: ☐ N/A

The Gambling Control Division will not approve a lease which provides for payment of a percentage of business revenue to any Lessor, except for a video gambling machine location agreement.

Lessor	Lessee

Note: Submit a copy of all lease and related security agreements associated with the business proposed for licensing.

2. Purchase Agreements: ☐ N/A

Submit copies of all purchase documents and related guarantees, mortgages, or security agreements associated with the business proposed for licensing, and all bills of sale, deeds or other documents reflecting title transfer of assets purchased.

Seller	Purchaser	Terms

3. Escrow Accounts: ☐ N/A

Submit copies of all escrow agreements and supporting documents.

Escrow Agent	Payee	Beneficiary

C. Licensed Business Asset Ownership:

Does any person or entity other than the applicant own any assets associated with the licensed operation?

☐ Yes ☐ No If Yes, complete the following:

Assets Approximate Value	Owner(s)

Note: Ownership of an asset utilized in the licensed business by any person or entity other than the applicant requires submission of a written lease and identification of the lease relationship in Section III, Subsection "B."

D. Will There Be Video Gambling Machines Located On The Licensed Premises?

☐ Yes ☐ No If Yes, identify who owns or will own these machines.

Name	Address/City/State/Zip

1. Is there or will there be a written location/machine contract and/or agreement?
☐ Yes ☐ No If Yes, provide a copy of the location/lease/rental agreement(s).
2. Does any person or entity lease or manage a gambling activity on the licensed premises?
☐ Yes ☐ No If Yes, identify who and what activity.

E. Will There Be Live Card Games On The Premises?

☐ Yes ☐ No ☐ Not at this time If Yes, identify who will operate the live card game if other than the licensee.

Name	Business	Address

Note: A live card permit is necessary to operate live card games on the premises.

1. Will the person(s) named above be entitled to receive any portion of profits from the operation of the live card games?
☐ Yes ☐ No ☐ Not at this time If yes, the person named above must be licensed by the Gambling Control Division as a Cardroom Contractor prior to operation of the live card game.

F. Record Keeping:

a. Who maintains the applicant's financial business records? (Full Name, Address, Phone)

b. Who prepares the tax returns, government forms and reports for the applicant? (Full Name, Address, Phone)

c. Where are the financial books and records for the applicant's business kept? (Address, Phone)

G. Are there any unsatisfied civil judgments against the applicant or any persons or entities listed in Section II, Subsection "C" at this time?

☐ Yes ☐ No If Yes, explain.

H. Has the applicant or any persons or entities listed in Section II, Subsection "C" ever been a party to a lawsuit, either as a plaintiff or defendant, if so, provide a detail of each.

☐ Yes ☐ No If Yes, explain.

Section III

Financial Information Checklist

To ensure you complied with the attachment requirements, the following checklist is provided for all entities.

Note: Failure to provide all applicable documentation will delay the processing of this application.

- ☐ Copy of Loan of Agreement(s), Contracts and Notes and All Related Security Agreements
- ☐ Copies of Lease, Rent, Purchase Option and Financing Agreements or other evidence of ownership (must provide documentation of any possessory interest in property where the business is operating)
- ☐ Financial Statement(s) (Example: Balance sheet and income statement or tax return for the business)
- ☐ Purchase/Transfer Documents
- ☐ Copy of Bank Signature Card for Business Bank Account
- ☐ Authorization for Examination and Release of Information, Form 13 - Non-institutional Lender Only
- ☐ Personal History Statements for Non-institutional Lender Only
- ☐ Fingerprint Card
- ☐ Other, if Applicable

Section IV

Premises Information

A. Does the applicant's premises: (Use additional paper if necessary)

1. Have permanently installed walls extending from floor to ceiling?
☐ Yes ☐ No
2. Have a distinct address?
☐ Yes ☐ No
3. Share an address with another business?
☐ Yes ☐ No
4. Have a public external entrance that is not shared with another premises for which a gambling operator license has been issued?
☐ Yes ☐ No
5. Share a common internal wall with another premises to which a gambling operator license has been issued?
☐ Yes ☐ No If Yes, explain and submit copy of the floor plan.

B. Describe where the premises is located:

1. Are the entrance doors of the premises proposed for licensing on the same street and within 600 feet of the entrance doors of a building occupied exclusively as a church, synagogue or other place of worship or school (except a commercially operated or post secondary school)?
☐ Yes ☐ No
2. Is the premises located within 150 feet of another premises licensed for on-premises alcoholic beverage consumption? (As defined in 23-5-629 MCA)
☐ Yes ☐ No If yes, answer all the following questions:

<input type="checkbox"/> Yes	<input type="checkbox"/> No	Does the second premises already have a permit for placement of video gambling machines?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Is there a structural walkway between the two premises?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Is the second premises licensee affiliated with the applicant?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Is there an immediate family member related to the applicant within the ownership structure of the second premises licensee?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Do the two licensed premises share any common management personnel?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Would the applicant be considered a parent or subsidiary business entity to the second licensee?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Does any person or entity within the ownership structure of the applicant share a commonality of business interest with any other person or entity within the ownership structure of the second licensee?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Are there any contractual agreements or financing agreements between the applicant and the second licensee?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Are there any investors common to the applicant and the second licensee?

C. Is the premises within any defined zones:

1. Where the sale of alcoholic beverages is restricted by city or county zoning ordinance?
☐ Yes ☐ No
2. Where gambling is restricted by city or county zoning ordinance?
☐ Yes ☐ No

D. Is the building ready for use for an alcoholic beverage business: ☐ Yes ☐ No

1. Is this a newly constructed premises?
☐ Yes ☐ No If No, indicate an estimated date of occupancy _____
2. Is this a remodel of an existing premises?
☐ Yes ☐ No If Yes, indicate an estimated date of completion _____

E. Submit a copy of the floor plan area to be licensed, using approximate dimensional measurements, including external dimensions and general layout – on an 8-1/2" x 11" sheet of paper and number of tables and chairs indicated. If you are applying for a restaurant beer and wine license, be sure the floor plan has the service bar area clearly designated thereon.

Note: On the floor plan you will need to clearly mark the areas where alcohol will be served, stored and consumed. The floor plan must contain outside dimensions, the name of the establishment, physical address, liquor license number (if applicable) and date of submittal.

Section IV

Liquor-Premises Information Checklist

To ensure you complied with the attachment requirements, the following checklist is provided for all entities.

Note: Failure to provide all applicable documentation will delay the processing of this application.

- ☐ Copy of Floor Plan
- ☐ Zoning Documents
- ☐ Other, if applicable
- ☐ Copy of Survey Affidavit (Required for new license and transfer of location)

Section V

Restaurant Beer/Wine License

- Do you agree to serve beer and wine only between the hours of 11:00 a.m. and 11:00 p.m. and only to a patron who orders food?
☐ Yes ☐ No ☐ NA
- Do you understand that under a restaurant beer and wine license beer and wine may not be sold for off-premises consumption?
☐ Yes ☐ No ☐ NA
- Do you understand and acknowledge that issuance of a restaurant beer and wine license prohibits issuance of a license to conduct any gambling activity on the licensed premises?
☐ Yes ☐ No ☐ NA
- Do you understand and agree to maintain a service bar? A service bar means an area where alcoholic beverages are stored and prepared for table service delivery to patrons for on-premises consumption. Consumption of alcoholic beverages by patrons or any other person is not permitted at the service bar.
☐ Yes ☐ No

Wine Amendment for On-Premises Beer License

- Do you operate a restaurant or prepared food business?
☐ Yes ☐ No ☐ N/A If Yes, explain and submit a menu

- Do you have a minimum of 12 seats at tables or booths?
☐ Yes ☐ No ☐ N/A If No, explain present arrangement

("Restaurant" means a public eating establishment allowing for seated service for a minimum of 12 persons at tables or booths where the sale of food is served and prepared on site. A "Prepared Food Business" means a restaurant, except the food need not be prepared on site.)

Catering Endorsement

- Do you wish to add a catering endorsement to the All-Beverages License?
☐ Yes ☐ No ☐ Existing ☐ NA
- Do you wish to add a catering endorsement to an On-Premises Consumption Beer/Wine License?
☐ Yes ☐ No ☐ Existing ☐ NA

Section V

Information Checklist

To ensure you complied with the attachment requirements, the following checklist is provided for all entities.

Note: Failure to provide all applicable documentation will delay the processing of this application.

- ☐ Restaurant Beer/Wine Section Completed if Applicable
- ☐ Wine Amendment Completed if Applicable
- ☐ Catering Information Completed if Applicable
- ☐ Alcoholic Beverage Temporary Authority Completed if Applicable
- ☐ Copy of Menu(s)
- ☐ Other, if Applicable

Section VI

Alcoholic Beverage Temporary Authority

A. Please indicate whether or not you wish to have alcoholic beverage temporary authority issued.

☐ Yes

☐ No

Liquor License No. _____

Temporary Authority cannot be granted on an alcoholic beverage transfer of location or issuance of a new license. If an alcoholic beverage Temporary Authority is granted before a gambling license application is approved, all current gambling activities at the establishment must cease until a gambling license application is approved.

The undersigned requests authority to operate pending final approval of the transfer. The undersigned agrees that during the period of Temporary Operating Authority, the applicant shall be responsible for all beer and wine purchased pursuant to Montana Code Annotated §16-3-243 (the seven-day credit limitation). Temporary Authority will be immediately revoked if any employees or I violate any provisions of Title 16, Montana Code Annotated or the department rules.

Signature of Applicant

Date

I would like Temporary Authority issued on _____
Date

To Be Completed By Recorded Owner/Current Licensee:

I authorize Temporary Operating Authority be granted to the applicant by the Department of Revenue, pending final approval of this application. I understand the applicant may not operate until Temporary Authority has been granted. I understand Administrative Rule of Montana 42.12.208 states in part "Any proposed fine, suspension or revocation arising out of a violation will be assessed against and is the responsibility of the recorded owner of the license."

Signature of Recorded Owner/Current Licensee

Date

Section VII

Declaration and Affidavit

I declare under the penalties of false swearing and/or the revocation of any licenses granted pursuant hereto, that I am the applicant or duly authorized representative of the firm or corporation mailing this application and that I examined the application, including any accompanying information, and that the responses are true, correct and complete. I understand if this application or attachment(s) contains false information, I am subject to the criminal penalties of Section 45-7-202, 45-7-203 and 45-7-208, Montana Code Annotated, and/or revocation of any alcoholic beverage or gambling licenses granted pursuant to this application.

STATE OF MONTANA)
)
County of _____)

_____, being duly sworn, if for himself or herself, deposes and says, that he/she is the applicant above named; or that he/she is _____ of the above named corporation; that he/she has read the foregoing application and attachments and that he/she knows the contents thereof, and that all matters and things therein set forth are true and correct.

Print Full Name **Signature** **Date**

Notary Seal

On this _____ day of _____ 20 _____
 Personally appeared _____
 Before me a Notary Public for the State of _____
 _____ (Notary Signature)
 _____ (Print Name of Notary)
 My Commission Expires _____ (Month, Day & Four Digit Year)

This application must be completed in full, and all requested attachments must accompany it. Delay, denial or the return of the application will result if incomplete.

Additional Information May Be Required During the Investigation of Your License Application